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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,898	12/28/2001	Joachim Schmitt	1140668-0005	8066
7470	7590	03/23/2005	EXAMINER	
WHITE & CASE LLP PATENT DEPARTMENT 1155 AVENUE OF THE AMERICAS NEW YORK, NY 10036			DOAN, DUYEN MY	
		ART UNIT		PAPER NUMBER
				2143

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/019,898	SCHMITT, JOACHIM	
	Examiner	Art Unit	
	Duyen M Doan	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 January 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 13-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 13-32 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 December 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/13/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

Detail Action

Claims 1-12 are cancelled.

Claims 13-32 are newly added.

Information Disclosure Statement

The information disclosure statement filed 1/13/2003, fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because foreign references are not in English. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13-14, 17-24, 26-29, 31-32 are rejected under 35 U.S.C. 102(e) as being anticipate by Crater et al us pat 5,805,442, (hereinafter Crater).

As regarding claim 13, Crater disclosed a data processing apparatus running a browser (col.4, lines 58-60); and an automation device in communication with the data processing apparatus over the data network (col.4, lines 5-29), the automation device comprising: a memory arranged in the automation device and storing communications data (memory is an inherent feature of the server computer mentioned in col.4, lines 5-29, also see col.3, lines 5-14), the communications data comprising: operating dialogs for the operation of the automation device and for communication with the browser in the data processing apparatus (col.4, lines 20-29), and device information for service and support of the automation device over the data network (col.4, lines 20-29); whereby the stored communications data and device information are transmitted from the automation device to the data processing apparatus over the data network by way of a standard protocol (col.4, lines 22-29).

As regarding claims 14, Crater disclosed the operating dialogs comprise Java objects (col.5, lines 20-44, col.6, lines 4-8).

As regarding claim 17, Crater disclosed the data network comprises an Internet (col.4, lines 30-49).

As regarding claim 18, Crater disclosed the browser comprises an Internet browser (col.4, lines 58-60).

As regarding claim 19, Crater disclosed communications data stored in the memory are transferred from the automation device to the data processing apparatus for operating the automation device (col.4, lines 60-67 to col.5, lines 1-12).

As regarding claim 20, Crater disclosed the communications data transferred from the automation device to the data processing apparatus are executed in the browser and are displayed by the data processing apparatus (col.5, lines 1-12).

As regarding claim 21, Crater disclosed at least a second data processing apparatus having a browser and in communication with the automation device over the data network (col.4, lines 5-17, multiple clients communicate with server via communication network), and wherein the stored communications data and device information are transmitted from the automation device to the second data processor over the data network by way of a standard protocol (col.4, lines 5-29).

As regarding claim 22, Crater disclosed the second data processing apparatus is in communication with the automation device via the Internet (col.4, lines 30-49).

As regarding claims 23, the limitations are similar to claim 13, therefore rejected for the same rationale as claim 13.

As regarding claim 24, the limitations are similar to claim 14, therefore rejected for the same rationale as claim 14.

As regarding claim 26, the limitations are similar to claim 18, therefore rejected for the same rationale as claim 18.

As regarding claim 27, the limitations are similar to claim 20, therefore rejected for the same rationale as claim 20.

As regarding claim 28, the limitations are similar to claim 13, therefore rejected for the same rationale as claim 13.

As regarding claim 29, the limitations are similar to claim 14, therefore rejected for the same rationale as claim 14.

As regarding claim 30, the limitations are similar to claim 15, therefore rejected for the same rationale as claim 15.

As regarding claim 31, the limitations are similar to claim 17, therefore rejected for the same rationale as claim 17.

As regarding claims 32, Crater disclosed the at least one data processing apparatus comprises a plurality of apparatuses and the stored communications data and device information are transmitted from the automation device to the plurality of data processing apparatuses over the data network (col.4, lines 5-17, multiple clients communicate with server via communication network).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15,16,25,30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crater et al (us pat 5,805,442) as applied to claim 13 above further in view of Lee et al (us pat 6,658,167).

As regarding claim 15, Crater discloses all the limitations of claim 13 mentioned above, but fail to disclose the communication data stored in memory comprise data in compressed form. However Lee et al teach the communication data stored in memory comprise data in compressed form (col.1, lines 56-60) for the purpose of save storage cost as well as transmission time and costs (see Lee et al, col.1, lines 61-63).

As regarding claim 16, the limitation is similar to claim 15, therefore rejected for the same rationale as claim 15.

As regarding claim 25, the limitation is similar to claim 15, therefore rejected for the same rationale as claim 15.

As regarding claim 30, the limitation is similar to claim 15, therefore rejected for the same rationale as claim 15.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M Doan whose telephone number is (571) 272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner
Duyen Doan
Art unit 2143



DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100